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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,887	08/04/2003	Michael Francis X. Gigliotti JR.	132497	6533

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GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

ZIMMER, MARC S

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,887

Applicant(s)

GIGLIOTTI ET AL.

Examiner

Marc S. Zimmer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13,15-32 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 22-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-11,13,15-17,19-21 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 7 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

In the correspondence dated December 16, 2005, the Examiner had indicated that claims 14 and 39 contained patentable subject matter. However, this statement was imprecise and, therefore, erroneous. What the Examiner had *meant* to suggest was that the claims were allowable where the organic resin was an epoxy resin and the powder was an Al-Si alloy. Claim 1, of course, does not stipulate that the resin should be an epoxy resin hence Applicant's amendments are effectual only as a means of overcoming the rejections over *Sugimoto*, *Geeck*, and *Kurosawa*, which, of course, only addressed the embodiments of Applicant's invention wherein the resin is an epoxy resin because that is the species Applicant had elected for prosecution.

Applicant's amendments/arguments with respect to claims 1-21 and 37-39 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is advised that not all of the species have yet been rejoined. Rather, the Examiner simply proceeded with the next species for which prior art was available.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-11, 13, 15-17, 19-21, and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Moravek et al., U.S. patent # 6,805,906. Moravek discloses a coating composition for coating turbine parts that comprises a silicone alkyd paint and aluminum- or an aluminum alloy powder provided as 10 to 80% by weight. A specific embodiment of the coating composition is outlined in column 3 comprising 50 parts of a commercial aluminum paint and 50 parts of a Si-Al alloy powder. According to column 3, lines 40-42, the alloy powder has a mesh size of 350. The Sigma Aldrich online catalogue has a table that correlates particle size with mesh number. From this table it is clear that the particle size is between 37 and 44 microns. The Examiner has also attached to this correspondence a product data sheet for M66-79, the preferred commercial paint as defined by the reference. Relevant to the present discussion, it is stated in column 4, lines 55-59 that it may be advantageous for the aluminum alloy to also contain another metal to improve oxidation resistance.

Claim 8 is rejected because it further limits an aspect of the claimed invention that does not represent the Examiner's grounds for rejection.

Neither the reference nor the product data sheet for the commercial paint product mentioned by the reference expressly discloses what solvents are present in the paint. Furthermore, the Examiner was unable to obtain any additional information from the manufacturer concerning the makeup of its product as requests for information went unanswered. Although the Examiner concedes that the prior art of record fails to disclose the solvents set out in claim 7, Applicant is advised that it is quite possible that

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this limitation is satisfied by the Benjamin Moore product of record. Likewise, the product data sheet mentions an aluminum pigment. Often these pigments are furnished in the form of flakes (see claim 18) but the Examiner could not establish with absolute certainty that this limitation is satisfied.

It is noted that if, in fact, the paint material disclosed by the reference does not contain the solvents of claim 7 or the aluminum flakes of claim 18, the claims are allowable only as they pertain to the utilization of silicone resin as the organic resin component.

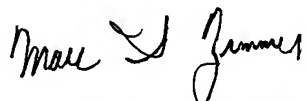
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc S. Zimmer whose telephone number is 571-272-1096. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 6, 2006


MARC S. ZIMMER
PRIMARY EXAMINER